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OFFICE OF PETITIONS

In re Application of
Morley, et al. :
Application No. 10/798,727 :
Filed: March 11, 2004 : DECISION GRANTING PETITION
Attorney Docket No. 17516-008120US :

This is a decision on the "RESPONSE TO NOTICE TO FILE MISSING PARTS", filed November 2, 2004,¹ which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of March 11, 2004, with Figures 14, 15, and 16A-B of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 11, 2004. However, on September 24, 2004, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were instructed to submit the missing statutory basic filing fee, together with the surcharge for its late filing. In addition, applicants were notified the application papers had been accorded a filing date of March 11, 2004; however, Figures 14, 15, and 16A-B of the drawings appeared to have been omitted.

¹ Supplemented by facsimile transmission filed January 31, 2005.

In response, the present petition was filed. Petitioners have submitted a postcard receipt, itemizing "No. Sheets of Drawings: 19" as enclosed, and bearing a USPTO date stamp of March 11, 2004.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.²

In view of the above, the petition is GRANTED.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed March 11, 2004, and Figures 14, 15, and 16A-B of the drawings as resupplied on petition filed November 2, 2004, and for indication in Office records that 19 sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

² See MPEP 503.